



Paper No. 5

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**COPY MAILED****JUN 28 2002****OFFICE OF PETITIONS**

In re Application of  
Ho, et al.  
Application No. 09/986,633  
Filed: November 9, 2001  
Attorney Docket No.  
002547/20118/div2

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: DECISION ON PETITION  
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This is a decision on the petition filed March 25, 2002, to accord the above-identified application a filing date of November 9, 2001, with Figures 1A and 1B of the drawings as a part of the original disclosure.

Application papers in the above-identified application were filed on November 9, 2001. However, on January 23, 2002, the Initial Patent Examination Division mailed a "Notice to File Corrected Application Papers". This Notice informed applicant that he had to submit substitute drawings and a compliant computer readable form (CFR) of the Sequence Listing. In addition, the Notice informed applicant that Figures 1A and 1B of the drawings appeared to have been omitted.

In response, on March 25, 2002, applicant filed the present petition to accord a filing date of November 9, 2001, with Figures 1A and 1B as part of the original disclosure. Applicant asserted that Figures 1A and 1B were with the application as originally filed on November 9, 2001. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "20 Sheets of Drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of November 9, 2001, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

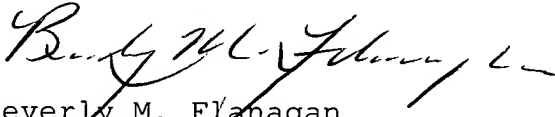
In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee will be refunded to petitioner under separate cover.

Receipt of the substitute drawings and the CFR, filed with the instant petition, is acknowledged and made of record.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of November 9, 2001, using the application papers received in the Office on that date and Figures 1A and 1B resupplied on petition filed March 25, 2002. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy